

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JANET TAYLOR, and	)	
JAMES NEWLANDS,	)	
individually and on	)	
behalf of all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	1:21-cv-839
	)	
v.	)	
	)	
WALTER KIDDE PORTABLE	)	
EQUIPMENT, INC.,	)	
	)	
Defendant.	)	

**ORDER**

On May 28, 2025, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 90, 91). In response to the Recommendation, Defendant filed a pleading, "Notice of Intent to Not Object," (Doc. 92). However, no objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS HEREBY ORDERED** that the Magistrate Judge's Recommendation, (Doc. 90), is **ADOPTED**. **IT IS FURTHER ORDERED** that the ruling on Plaintiffs' Motion for Substitution of Party, (Doc. 78), is **DEFERRED** and this action is **STAYED** for sixty (60) days

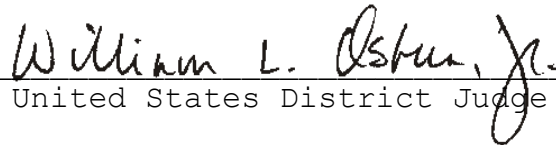
from the issuance of this order to permit Ms. Newlands to pursue appointment as her late husband's personal representative in Florida probate court, should she desire to do so. Given the age of this action, the court expects that Counsel for Ms. Newlands will move expeditiously in assisting her in any such pursuit. Should said request be granted, Counsel for Ms. Newlands is **DIRECTED** to file proof of such appointment with this court. Should said request be denied, Counsel for Ms. Newlands is **DIRECTED** to file proof of such denial with this court.

**IT IS FURTHER ORDERED** that Plaintiffs' Motion to Substitute Party, (id.), shall be **GRANTED** without further notice upon filing of proof of such appointment with this court. Alternatively, Plaintiff's Motion to Substitute Party, (id.), shall be **DENIED** without further notice upon filing of proof of such denial with this court.

**IT IS ORDERED**, absent prompt filing of either such proof, that Ms. Newlands **SHALL** file, within sixty (60) days of the issuance of this Order, either: (1) Notice providing a status report and indicating the progress and expected outcome of the probate proceedings or, (2) Notice that she does not intend to institute or pursue such proceedings. Should a Notice be received that Plaintiff does not intend to institute or pursue such proceedings, the Motion to Substitute Party, (id.), shall be

**DENIED** without further notice and Mr. Newlands' claims against Defendant will be **DISMISSED** with prejudice. Should no proof of appointment, proof of denial, or any such Notice be filed within the sixty-day deadline, Plaintiff's Motion to Substitute Party, (id.), shall be **DENIED** without further notice and Mr. Newlands' claims against Defendant shall be **DISMISSED** with prejudice.

This the 25th day of June, 2025.

  
United States District Judge